

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:13-CR-40-1-D

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|--------------------------|---|-----------------------|
| UNITED STATES OF AMERICA |) | DEFENDANT'S UNOPPOSED |
| |) | MOTION TO CONTINUE |
| VS. |) | ARRAIGNMENT |
| |) | |
| MONTERIE JUNIOUS |) | |

NOW COMES the Defendant, by and through the undersigned counsel, and hereby moves this Court for an Order, continuing the arraignment in this case from July 15, 2013 to a later term of court. In support of this motion, the undersigned counsel shows:

1. That the Government has charged the Defendant, charging him with violations of the Controlled Substances Act; and
2. That the Defendant is scheduled for arraignment on that charge on July 15, 2013; and
3. That the undersigned counsel needs additional time to prepare and meet with the defendant; and
4. That a criminal defendant's right to counsel includes the right to effective assistance of counsel, *Strickland v. Washington*, 466 U.S. 668, 80 L.Ed.2d 674, rehearing denied, 467 U.S. 1267, 82 L.Ed.2d 864 (1984);

5. That the undersigned counsel was out of the country from May 26th until June 2nd; and
6. That the defendant is being held in Suffolk, Virginia, which is approximately four hours driving distance (one way) from the undersigned counsel's office; and
7. That the undersigned counsel's trial schedule has prevented him from traveling to Suffolk to meet with the defendant; and
8. That the undersigned counsel has appeared in the district and superior courts of New Hanover, Brunswick, and Pender Counties daily; and
9. That the undersigned counsel has had to prepare multiple felony cases for trial during the month of June and spent several days in trial in Pender County Superior Court during the week of June 24th; and
10. That the undersigned counsel also is also completing a brief for filing with the United States Court of Appeals for the Fourth Circuit and has worked upon several filings for the North Carolina Supreme Court that are due this week; and
11. That the undersigned counsel has talked with the defendant by telephone; and

12. That the undersigned counsel, however, needs to meet with the defendant to discuss several issues; and
13. That the undersigned counsel contacted Special Assistant United States Attorney Timothy Severo about this motion to continue this morning and the Government has not responded.

WHEREFORE, the Defendant, Monterie Junious, by and through the undersigned counsel respectfully requests that the Court allow the motion and that the Court enter an order, continuing the arraignment in this matter from July 15, 2013 to a later term of court.

Respectfully submitted, this the 8th day of July, 2013.

/s/Geoffrey W. Hosford
Hosford & Hosford, P.C.
P.O. Box 1653
Wilmington, NC 28402
(910)251-8333
(910)251-5010(facsimile)
State Bar No. 21239

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this motion upon the United States by electronically filing the foregoing with the Clerk of Court on July 8, 2013, using the CM/ECF system, which sends notification of such filing to:

Timothy Severo
Special Assistant United States Attorney
310 New Bern Avenue, Suite 800
Raleigh, NC 27601-1461

This the 8th day of July, 2013.

/s/Geoffrey W. Hosford
Attorney for Defendant
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(910) 251-8333
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